

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

TOMMY LEWIS, PRESIDENT, PRESIDING

January 20, 1998

A. CALL TO ORDER

The January 20, 1998, meeting of the DeSoto County Board of Supervisors was called to order by Tommy Lewis, Board President.

James Albert Riley, the DeSoto County Sheriff was present and did open the DeSoto County Board of Supervisors meeting in a regular session to hear any and all business to come before the Board. The following were present:

- Jessie Medlin-----District 1
- Eugene C. Thach-----District 2
- James D. Pearson-----District 3
- John Caldwell-----District 4
- Tommy Lewis-----District 5
- W. E. "Sluggo" Davis-----Chancery Clerk
- James Albert Riley-----Sheriff
- Clovis Reed-----County Administrator
- William H. Austin, Jr.-----Board Attorney

B. INVOCATION

The invocation was presented by Supervisor Tommy Lewis.

C. ALLEN & HOSHALL, Administrative Building Update

Dave Nicholson, of Allen & Hoshall appeared before the Board of Supervisors to update the Board on the development of the plans for the Administration Building. Mr. Nicholson gave a brief update on a few recent changes in the building plans. He said

that within six to eight weeks they will begin taking bids for the building. Mr. Nicholson reviewed the plans for the building with special attention to the entrances and reported consideration of the coordination of work between offices when placing offices within the building.

The Board of Supervisors asked for details about the roof of the building. The Board of Supervisors clearly agreed that they do not want a flat roof, due to problems the County has experienced with other flat roofed buildings. Allen & Hoshall explained the superiority of the roof they have selected. Allen & Hoshall said the mechanical system is located on the roof of the building, and to locate this system otherwise would be much more expensive.

Supervisor Jessie Medlin asked about the fence. Mr. Nicholson explained the fencing of the property. Dave Nicholson verified the Board of Supervisors main concern is that

the roof does not leak.

Item C., continued,

Allen & Hoshall pointed out that the stairwells are well lit in the Administration Building. Dave Nicholson said that Allen & Hoshall has tried to listen to the County's needs in developing the plans for the building. He feels the County will be proud of the building and that the building will serve the needs of the county for many years.

Supervisor Eugene Thach asked how much space will be unfinished in the building. Dave Nicholson said 5,000 to 6,000 square feet will remain unfinished.

Mr. Nicholson said the McInvale house is scheduled for demolition. Moving companies have indicated moving the building is cost prohibitive. Supervisor Tommy Lewis asked if the demolition will be an add on to the proposals for the building. Dave Nicholson said this will be part of the bid. Supervisor Lewis pointed out that if anyone wanted to move the building the County would be that much better off. Supervisor Lewis suggested making this an alternate on the bid. Dave Nicholson said they could do that.

Supervisor Tommy Lewis asked Mr. Harvey Ferguson of the Administrative Building Committee for comments from the committee. Mr. Ferguson said the committee agreed unanimously to move ahead and get bids out as soon as possible.

Supervisor Eugene Thach asked what the date is for the bids. Dave Nicholson said four to six weeks. Mr. Nicholson said he has been coordinating the move of the occupants of the building with the County Administrator.

The Board of Supervisors thanked Allen & Hoshall for the update presented.

D. MR. NIEBANCK - HORN LAKE ANNEXATION

Bruce Niebanck, representing a group of citizens opposing the Horn Lake annexation, appeared before the Board of Supervisors and said he is glad to live in DeSoto County, and appreciates the opportunity to address the leadership of the County regarding the Horn Lake annexation attempt. Mr. Niebanck said he is from a rural area in New York and loves the lay of the land in DeSoto County. Since moving to DeSoto, his family has become active in the volunteer services in the County.

Mr. Niebanck said the November 4, 1997, issue of the DeSoto Times Today ran a story about the attempted annexation by Horn Lake of the area in which he lives. A group of citizens in the area formed a group and called the aldermen and Mayor of Horn Lake to discuss the issue. Horn Lake's leadership told the citizens that if Horn Lake does not annex them, Southaven will. Mr. Niebanck said at a public meeting on December 20, 1997, this city leadership suggested that if the citizens want to maintain a rural life, they should move, and were told the citizens could not afford to fight an annexation. This group of citizens is asking the Board of Supervisors to defend, protect their rights, and represent their cause in fighting this annexation. Mr. Niebanck presented a chart showing services provided by the county and the cities. Mr. Niebanck said there is an urgent need for the Board to act on this request since the hearing is scheduled for January 27, 1998.

Mr. Niebanck said Jerry Mills has been hired to represent the citizens opposing the annexation. Billy Myers has been hired to represent another group opposing the annexation.

of Harold Honeycutt of Twin Lakes said Horn Lake has never provided any services to all their current city area, and speculates that this annexation is an attempt to increase their tax base.

Item D., continued,

Hazel Lott of DeSoto Road said she has lived there 42 years and is a lifelong resident of Mississippi. Ms. Lott said she realizes they may have no recourse on this annexation. She reported that she has approached the Legislators to allow citizens to vote on the annexations. Ms. Lott said this is an issue of Southaven vs. Horn Lake.

Supervisor John Caldwell said in reflecting on the recent annexations by Hernando, Olive Branch, and Southaven, the County can recognize the need to be involved in the annexations.

Supervisor Jake Pearson said he feels the same way. He does not feel Horn Lake can offer the people in the annexed area anything. Supervisor Pearson asked how this will affect the Fire and EMS Departments.

Supervisor Jessie Medlin said he feels the County should be represented, as he was misled on the Olive Branch annexation.

Supervisor Eugene Thach said the Board of Supervisors represents the cities and County residents. He reported having mixed emotions about the County's involvement in annexations. Supervisor Thach said roads are often left out of annexations. The Supervisors Association is pushing for more involvement by the counties in annexations. Supervisor Thach said he agrees that often cities do take in more than they can support. Still he would have to carefully consider approving the use of money from all over the County to fight one city. All of the city provisions need to be reviewed. Supervisor Thach said the Board of Supervisors already asked the Board Attorney to look into the annexations. Supervisor Caldwell asked the Board Attorney if he feels this is the same request as before. Mr. Austin said he feels this is an extension of that.

Don Cox said this annexation attempt differs from the other annexations. He said Horn Lake is attempting to annex 12 miles. This will take in PUD's. They are trying to be self serving. Mr. Cox said he too supports voting rights on the issue.

Max Richardson of Twin Lakes said Horn Lake is doing this from a lack of planning. The area they want to annex is 11 to 12 miles. They can get this for \$100,000.00 according to Mr. Richardson and they are trying to save money. He said they need to start taking care of their total city area now, before they take in any more property. Mr. Richardson said if he wanted to live in Horn Lake, he would have bought a house there. Mr. Richardson said Horn Lake is not giving them anything, but they stand to receive a lot of tax money from the endeavor.

Mr. Niebanck said this is a violation of rights. Supervisor Thach said this is a request for County government to fight city government. Mr. Niebanck repeated that his rights have been violated. Supervisor Lewis said that nobody was arguing that point. Supervisor Caldwell said the City of Horn Lake is spending city tax dollars to fight the county.

Supervisor Jake Pearson pointed out that the Board of Supervisors represent both the County and the Cities, and said these people need to be treated fairly. The cities don't need to annex more than they can take care of. Don Cox said Horn Lake has not done anything to show they can take care of the annexed area. Mr. Cox said the citizens were begging for the Board's backing on this issue.

Supervisor Eugene Thach said he does not feel he can vote to fight a city in DeSoto County, and said that annexation has been good for some areas.

Supervisor John Caldwell made the motion and Supervisor James Pearson seconded the motion to hire the Austin Law Firm to represent the County in the upcoming annexation

hearing on Tuesday. Supervisor Tommy Lewis asked for clarification of whether the **Item D., Continued,**

motion is asking Mr. Austin to oppose the annexation. The Board Attorney, Bill Austin, said he needs guidelines on how to proceed. Supervisor Eugene Thach said the Board already has voted to do that. The **motion passed** by a unanimous vote. Supervisors Thach, Medlin, and Lewis clarified their vote is not to authorize the Board Attorney to oppose the annexation.

E. OLD BUSINESS

1. Bid Under Advisement - Ceiling in Women's Tank at Jail

County Administrator Clovis Reed noted the difference in the time frame quoted on the bids received for the ceiling in the women's tank at the jail. Margaret Stevens, Director of Purchasing, said it was open.

Sheriff James Albert Riley said the problems with the male/female mixing mandate that this job is a top priority. This job should be finished as soon as possible, as it caused the County a good deal of liability. Sheriff Riley said the doors in D and E tanks need to be changed. Cameras also should be added to increase the security and safety of those involved.

Upon review of the bid documents, Margaret Stevens clarified the bids were sent out at 90 days. Ms. Stevens said she had received directions for this time frame from another source.

Sheriff Riley said the people responsible for keeping the heat and other such problems fixed at the jail need to realize that this responsibility continues 24 hours a day, seven days a week. When the heat goes out on Friday, they should not have to wait until Monday morning at 9:00 to get it fixed. County Administrator Clovis Reed said there was a meeting with Sheriff Riley Friday and later Mr. Reed met with Jim Bearden.

Supervisor James Pearson made the motion and Supervisor Eugene Thach seconded the motion to take the bids under advisement. The **motion passed** by a unanimous vote. **See Exhibit E.1.**

2. Bid Under Advisement - 3 Tractors

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to reject all bids and readvertise as none of the bids met specs. The **motion passed** by a unanimous vote. **See Exhibit E.2.**

3. Bid Under Advisement - Equipment Rental

This item was held over.

4. Bid Under Advisement - 80 hp Dozer

Road Manager Kenny Gunn said the insurance deductible is more than the cost to fix the dozer. In addition, the dozer is a Fiat, and you cannot get these parts anymore. This dozer would not be practical to buy at a surplus sale and would probably not repay the repair costs.

Item E.4., continued,

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to approve the low bid for the lease purchase from Untied Equipment for \$1,274.08, contingent on the Board Attorney's approval. The motion passed by a unanimous vote. **See Exhibit E.4.**

5. Bid Under Advisement - Walls Satellite Building

Board Attorney Bill Austin said there was a problem with the low bid for this job. Mr. Pickett, of Pickett Fabricating, said he was caught by the weather and could not get the bid down here on time. The Board Attorney said he did not feel the bid will qualify, but called the state auditors office to verify. Mr. Keys in the auditors office agrees that the bid cannot be accepted.

Supervisor Caldwell asked what kind of building will be built? Kenny Gunn responded that a 60' x 40' metal building with a 16" eve height with 12' of offices in one end. There will be three overhead doors. The bid includes all concrete and all interior wall preparations. This building will be the same as the other shops except for the eve height.

County Administrator Clovis Reed asked if the building is comparable to the building that is there. Kenny Gunn said no, this building is better. Mr. Reed said the insurance will replace comparably. Kenny Gunn said the burned building was 40' x 60' with a 12' eve height.

Supervisor John Caldwell made the motion and Supervisor James Pearson seconded the motion to take the bids under advisement to review with the insurance company. The **motion passed** by a unanimous vote. **See Exhibit E.5.**

6. Bid Opening - Sewer Study Proposal

Proposals were received from the following companies for the sewer study:

- Fisher & Arnold
- Continental Engineering
- Edward T. Davis, & Associates
- Ellers, Oakley, Chester & Rike
- Waggoner Engineering
- Elliot & Garver
- Neel Schaeffer

Supervisor James Pearson made the motion and Supervisor Jessie Medlin seconded the motion to take the matter under advisement to allow the County Administrator to review the proposals. The **motion passed** by a vote as follows:

- Supervisor Jessie Medlin-----Yes
- Supervisor Eugene Thach-----Absent
- Supervisor James Pearson-----Yes
- Supervisor John Caldwell-----Absent
- Supervisor Tommy Lewis-----Yes

Item E., continued,

7. Bid Opening - Depository

Supervisor James Pearson made the motion and Supervisor Jessie Medlin seconded the motion to take the bids for depository under advisement. The **motion passed** by a unanimous vote. **See Exhibit E.7.**

F. NEW BUSINESS

1. Appoint Committee to Review Sewer Study Proposals

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to appoint Supervisor Tommy Lewis and Supervisor Jessie Medlin as the sub-committee to review the sewer proposals. The **motion passed** by a vote as follows:

Supervisor Jessie Medlin-----Yes
Supervisor Eugene Thach-----Yes
Supervisor James Pearson-----Absent
Supervisor John Caldwell-----Yes
Supervisor Tommy Lewis-----Yes

This committee will be expanded at a later date.

2. Approval of Additional Assessments and Reductions in Assessment

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the additional assessments and reductions in assessments as presented. The **motion passed** by a vote as follows:

Supervisor Jessie Medlin-----Yes
Supervisor Eugene Thach-----Yes
Supervisor James Pearson-----Absent
Supervisor John Caldwell-----Yes
Supervisor Tommy Lewis-----Yes

See Exhibit F.2.

3. Annual Report of Jail Inspection

This item was held over.

4. Approval of Quarterly Allocation for the Sheriff's Dept, Tax Assessor and Tax Collector

In accordance with Section 27-1-32 of the Mississippi Code of 1972, which allows the Board of Supervisors to set aside, appropriate and expend moneys from the general fund for the purpose of supplementing the budget of the offices of sheriff, tax collector and tax assessor, Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the quarterly allocations for the Sheriff, Tax Assessor, and Tax Collector as recommended by the Comptroller. The **motion passed** by a unanimous vote. **See Exhibit F.4.**

Item F., continued,

5. Appointments - Jury Commission

This item was held over.

6. Schoolbus Turnarounds

The DeSoto County Board of Supervisors received a letter dated January 8 and January 12, 1998, from the DeSoto County Superintendent of Education requesting the county to maintain the properties listed in his letter which are used as school bus turnarounds. A copy of this request is attached and made a part of these minutes by attachment of Exhibit F.6 and are as follows:

5758 Cherokee Drive, Walls, MS
265 Flicker Ridge, Lake Cormorant, MS
9179 Green River Road, Lake Cormorant, MS
4079 Williams Road, Eudora, MS
2388 Starlanding Road, Nesbit, MS

SEE EXHIBIT F.6.

In accordance with Section 19-3-42, Mississippi Code of 1972 as amended, stating that the school bus turnarounds will be built, maintained and improved,

Supervisor John Caldwell made the motion to build, maintain, and improve the properties listed in the Superintendent's letters dated January 8 and 12, 1998, and to direct the County Road Manager to carry out this order of this Board forthwith. Supervisor James Pearson seconded the motion. The **motion passed** by a unanimous vote.

7. Authorization for Board President to Execute Reporting Worksheets For CDBG Projects - Nesbit Water and Hacks Cross Road

This item was held over.

8. Dale Thompson, Comptroller

a. Investment of Surplus Funds

This item was held over.

b. Budget Amendment - Metro Narcotics

This item was held over.

c. Budget Amendment - Operations & Maintenance

This item was held over.

d. Budget Transfer

This item was held over.

Item F., continued,

9. Accept Petition and Appoint Committee to Review a Road Called Copper Meadows

Supervisor John Caldwell made the motion and Supervisor James Pearson seconded the motion to approve the right of way acquisition on Copper Meadows Road. The **motion passed** by a unanimous vote.

10. Jerry Sweeting, Park Director - City of Southaven - Request for Cherry Valley Baseball to Use Old Tax Collector Building for Sign-up the Last Two Weekends in February

Supervisor Eugene Thach offered to arrange a sign-up location for Mr. Sweeting.

11. Hernando Civic Center

This item was held over.

12. Dr. Robert Meacham - Quarterly Report

Dr. Robert Meacham addressed the Board of Supervisors to report on the activity and status of the prisoner medical activity since beginning his contract with DeSoto County. Dr. Meacham said he is predicting to be \$56,000 under budget based on current activity.

Dr. Meacham reported a significant decrease in manpower to transport prisoners to and from a medical facility. He is seeing an average of five to six prisoners per day. Dr. Meacham reported total medical expenditures during the first quarter of his contract period to be as follows:

| | |
|--------------------------|----------------------|
| 10/97----- | \$ 11,285.37 |
| 11/97----- | 17,626.43 |
| 12/97----- | <u>20,515.43</u> |
| TOTAL----- | \$ 49,427.48 |
| Contract to Date----- | 17,500.00 |
| Initial Setup----- | <u>2,627.92</u> |
| | \$ 69,555.39 |
| | |
| 1 quarter expenses ----- | \$ 69,555.39 |
| x 4 quarters----- | <u>x 4</u> |
| | \$ 278,221.56 |
| 1998 Budget----- | <u>\$ 335,000.00</u> |
| EXPECTED SAVINGS----- | \$ 56,778.44 |

Dr. Meacham presented estimates for emergency room visits, ambulance calls, medical supplies, and pharmaceuticals. Dr. Meacham reported the total prisoner medical savings for this reporting quarter to be \$20,742.50. See **Exhibit F.12.**

Item F., continued,

13. Planning Commission - Request to Send Blake Meredith for Training

Supervisor Jake Pearson made the motion and Supervisor John Caldwell seconded the motion to authorize Merritt Powell of the DeSoto County Planning Commission to send Blake Meredith for training. The **motion passed** by a unanimous vote.

14. Boyd Logan - Employment Opportunities for Citizens Over 55

Mr. Boyd Logan was unable to stay at the meeting for this item of business, but the Board of Supervisors received information he had sent concerning employment opportunities for citizens over 55 years of age.

15. Dept. of Rehabilitation Services - Request To Advertise for Bids for Architect

Supervisor Jessie Medlin made the motion and Supervisor James Pearson seconded the motion to authorize advertisement for bids for an architect for the building addition at the Allied Enterprises building in DeSoto County. The **motion passed** by a unanimous vote.

16. Generators

Supervisor Jake Pearson asked where the old generators are kept. Road Manager Kenny Gunn said they are kept at the Central Maintenance shop. Supervisor Pearson asked if the Road Manager anticipated ever using them again. Mr. Gunn responded that it would not be cost effective to do so. Supervisor Pearson said the Walls Water has found a deal for a trade in and would like to obtain these old generators if the County has no use for them. The Board of Supervisors asked Mr. Austin to see if the generators could be legally transferred to Walls Water.

17. Approval of Bills

a. Approval of Invoice for Backhoe to First Continental Leasing

Supervisor John Caldwell made the motion and Supervisor James Pearson seconded the motion to approve payment of an invoice for the backhoe to First Continental Leasing in the amount of \$2,678.31. **The motion passed** by a unanimous vote.

b. Approval of Travel Reimbursement for MAS Convention

Supervisor Jessie Medlin made the motion and Supervisor James Pearson seconded the motion to approve travel reimbursements for the MAS Convention. The **motion passed** by a unanimous vote.

G. EXECUTIVE SESSION

The executive session portion of these minutes are recorded under the portion of the minutes called "Executive Session."

H. OTHER ISSUES

1. Homesteads

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the homesteads as presented by the Chancery Clerk. The **motion passed** by a unanimous vote. **See Exhibit H.1.**

Supervisor Eugene Thach made the motion and Supervisor Jake Pearson seconded the motion to recess until Monday, January 26, 1998, at 9:00. The **motion passed** by a unanimous vote.

THIS the 20th day of January, 1998, these minutes have been read and approved by the DeSoto County Board of Supervisors.

TOMMY LEWIS, President
DeSoto County Board of Supervisors